

ORIGINAL**FILED**

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LANCE S. WILSON

BY

DEPUTY

1 ROBERT A. DOTSON, ESQ.
 2 Nevada Bar No. 5285
 3 RONETTA S. CLARK, ESQ.
 4 Nevada Bar No. 5258
 5 LAXALT & NOMURA, LTD.
 6 50 W. Liberty Street, Suite 700
 Reno, Nevada 89501
 (775) 322-1170
 Attorneys for Defendant
 TRUCKEE CARSON IRRIGATION DISTRICT

UNITED STATES DISTRICT COURT**DISTRICT OF NEVADA**

11 GEORGE P. GENTNER,

Case No. CV-N-02-0456-ECR(VPC)

12 Plaintiff,

13 vs.

14 SHELBY E. CECIL, individually and in his
 15 official capacity as Water Master for the Truckee
 16 Carson Irrigation District, CHUCK VINCENT,
 17 individually and in his official capacity as Water
 18 Conservation Coordinator of the Truckee Carson
 19 Irrigation District, W. CHRISTOPHER CECIL,
 20 individually and in his official capacity as Ditch
 21 Rider for the Truckee Carson Irrigation District,
 22 KELLY CECIL, individually as an employee of
 the Truckee Carson Irrigation District,
 TRUCKEE CARSON IRRIGATION DISTRICT,
 a political subdivision of the State of Nevada,

AFFIDAVIT OF ERNEST C.
SCHANK IN SUPPORT OF
DEFENDANT'S SUPPLEMENTAL
BRIEF

23 Defendants.

24 STATE OF NEVADA)
 25) SS.
 COUNTY OF CHURCHILL)

26 I, Ernest C. Schank do hereby swear under penalty of perjury that the assertions of this
 27 affidavit are true, and I assert as follows:
 28

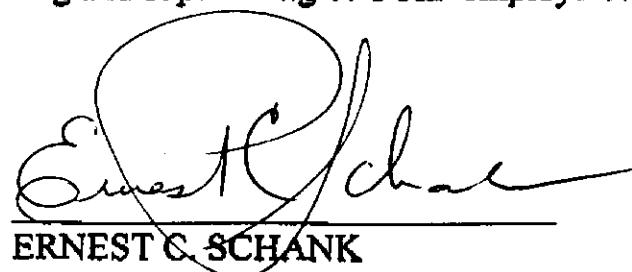
29

1. I am the President of the Board of Directors for Truckee Carson Irrigation District
 2 ("TCID").

3. TCID is privately run by the land owners within the district. Such land owners
 4 have the right to elect the Board of Directors. The amount of water rights owned determines the
 5 number of votes the land owner has.

6. TCID's Board of Directors has the authority to make all employment decisions,
 7 including the training and supervising of its employees. The State of Nevada has no control or
 8 influence, and is not involved in any way, in the training and supervising of TCID employees.

9. Further your affiant sayeth naught.

10. 
 11. ERNEST C. SCHANK

12. SUBSCRIBED AND SWORN to before

13. me this 24 day of May, 2004.

14. 
 15. NOTARY PUBLIC



CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that I am an employee of LAXALT & NOMURA, LTD., and that on the 2nd day of June, 2004, I served a true and correct copy of the ORIGINAL AFFIDAVIT OF ERNEST C. SCHANK IN SUPPORT OF DEFENDANT'S SUPPLEMENTAL BRIEF by:

[] Mail on all parties in said action, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At the Law Offices of Laxalt & Nomura, mail placed in that designated area is given the correct amount of postage and is deposited that same date in the ordinary course of business, in a United States mailbox in the City of Reno, County of Washoe, Nevada.

[] Personal delivery by causing a true copy thereof to be hand delivered this date to the address(es) at the address(es) set forth below.

[] Facsimile on the parties in said action by causing a true copy thereof to be telecopied to the number indicated after the address(es) noted below.

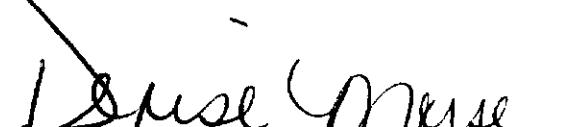
[] Federal Express or other overnight delivery.

[] Reno/Carson Messenger Service

addressed as follows:

James Andre Boles, Esq.
618 South Center Street
Reno, Nevada 89501
Attorney for Plaintiff

Frank H. Roberts, Esq.
648 Lander Street
Reno, NV 89509
Attorney for Defendants
Shelby E. Cecil, Chuck Vincent, W. Christopher Cecil
and Kelly Cecil


Denise Morse, an employee of Laxalt & Nomura, Ltd.